

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Kamecheal D. McKeever**
8614 Saint Lo
Houston, TX 77033

From: **Houston District Office**
1919 Smith St, 7th Floor
Houston, TX 77002

COMPLAINT
EXHIBIT
15A11



On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

460-2010-02138

Nicholas Alwine,
Enforcement Supervisor

(713) 209-3422

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

[Signature]

[Signature]
R.J. Ruff, Jr.,
District Director

4-16-2010

(Date Mailed)

Enclosures(s)

cc:

Nancy E. Gray
DIRECTOR
ECFMG
3624 MARKET ST #4
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Texas Workforce Commission Civil Rights Division
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COMPLAINT
EXHIBIT
"B"



ECFMG[®]

EMPLOYEE

HANDBOOK

Last Revised June, 2004

Notice to All Employees and Acknowledgement of Receipt

All employees must read this page, complete the bottom and return the signed page to Human Resources.

This manual neither implies nor establishes a contract between ECFMG and the employee. The contents of this Employee Handbook summarize current policies and programs and are intended as guidelines only. For more detailed information regarding these policies, please refer to the policies themselves. Policies are posted on the Human Resources Public Folders and are available for all employees. ECFMG retains the right to change, modify, suspend, interpret, or cancel in whole or in part, any of the published or unpublished personnel policies or practices without advance notice.

Nothing contained in this handbook should be construed as a guarantee of continued employment, but rather, employment with ECFMG is on an at-will basis. This means that either ECFMG or the employee may terminate the employment relationship at any time or for any reason not expressly prohibited by law. Any written or oral statement to the contrary by a supervisor, or other agent of ECFMG is invalid and should not be relied upon by any prospective or existing employee.

I acknowledge receipt of the ECFMG Employee Handbook. I understand that I am required to read the Handbook, to familiarize myself with the policies and procedures contained herein and to comply with the provisions of the policies, procedures and rules set forth at all times. If I have any questions about the contents of the Handbook, I will consult the specific Policy to which my question pertains, or contact Human Resources.

I specifically acknowledge that I have read and understand the contents of the above "Notice to all Employees."

Employee Signature

Date

Employee Name (Print)

Department

WELCOME TO ECFMG

We are pleased that you are part of the Educational Commission for Foreign Medical Graduates (ECFMG), an organization dedicated to promoting excellence in international medical education. For more than forty years, ECFMG employees have helped administer a program of certification for graduates of foreign medical schools who wish to pursue graduate medical education in the United States.

The information on the following pages will help you understand the unique role that ECFMG plays in the international medical community. This Handbook also outlines the benefits and working conditions that you will encounter as an ECFMG employee. Our goal is to ensure that your ECFMG career is a rewarding and fulfilling experience.

The people of the United States rely upon ECFMG to assure that foreign-educated physicians are prepared to participate in postgraduate training in this country. We look forward to working together with you to fulfill this trust.

For the ECFMG Board of Trustees

*James A. Hallock, M.D.
President and Chief Executive Officer*

May 2004

**THIS HANDBOOK IS A SUMMARY OF ECFMG EMPLOYMENT
POLICIES AND PROCEDURES. FOR SPECIFIC INFORMATION
REFER TO THE APPROPRIATE POLICY.**

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ECFMG HISTORY

Evaluating the readiness of international medical graduates to enter graduate medical education (GME) programs in the United States has long been a concern of medical organizations, hospitals, state licensing agencies, and the public. During the 1950s, the need for a formal program of evaluation intensified due to explosive growth in the demand for health care services, an increase in economic opportunities for trained medical personnel, and a greater dependence on residents to provide medical care, which created a large number of available positions in U.S. GME programs. The number of positions available in these programs exceeded the number of physicians graduating from U.S. medical schools, and international medical graduates (IMGs) came to the United States to enter these programs.

In 1954, as a first step toward filling this need, the Cooperating Committee on Graduates of Foreign Medical Schools (CCGFMS) was founded by major medical organizations in the United States. Charged with exploring methodologies that could uniformly evaluate the qualifications of IMGs, CCGFMS recommended that such an evaluation program should consist of the validation of medical education credentials and examinations in the medical sciences and the English language. This formal evaluation process became known as ECFMG Certification.

To implement CCGFMS' recommendation, the founding organizations formed a private, nonprofit organization, the Evaluation Service for Foreign Medical Graduates (ESFMG), in 1956. Later that year, ESFMG changed its name to the Educational Council for Foreign Medical Graduates (ECFMG). In 1958, ECFMG administered its first examinations and certified the first IMGs. In 1961, ECFMG Certification became mandatory for IMGs entering accredited GME programs in the United States.

Throughout the history of the program, the requirements for ECFMG Certification have included examinations in the medical sciences and English language proficiency. In 1986, the program was expanded to include direct verification of medical education credentials with applicants' medical schools. In 1998, the Clinical Skills Assessment (CSA[®]) became a requirement for certification. Developed by ECFMG over nearly two decades of research and development, the CSA allowed direct evaluation of the clinical and communication skills essential to providing supervised patient care.

The scope of ECFMG's responsibilities broadened in 1974 when it merged with the Commission on Foreign Medical Graduates, whose activities included conducting research on international medical graduates and monitoring the visa sponsorship of medical Exchange Visitors in the United States. The combined organization was named the Educational Commission for Foreign Medical Graduates, retaining the acronym "ECFMG". By virtue of its new responsibilities, ECFMG became increasingly involved with the international medical community, a trend that continues today.

In addition to its primary mission of evaluating IMGs entering U.S. GME programs, ECFMG is committed to promoting excellence in international medical

education. Throughout its history, ECFMG developed medical faculty exchange programs and consultation services for international medical schools, and considered a number of research initiatives related to international medical schools and their graduates. However, ECFMG's Board of Trustees concluded that more could be accomplished by a separate organization with dedicated resources focused on the international medical community. In 2000, ECFMG established the Foundation for Advancement of International Medical Education and Research (FAIMER), a nonprofit foundation of ECFMG. After its establishment, FAIMER assumed responsibility for ECFMG's programs for the international medical community. For more information, see *Foundation for Advancement of International Medical Education and Research (FAIMER)* below.

Throughout its history, ECFMG has developed unparalleled expertise in areas such as physician credentialing and clinical skills assessment. The organization also maintains a wealth of data that is essential to meaningful research on international medical graduates, international medical education, and their impact on world health. Today, ECFMG continues to translate its experience, expertise, and resources into quality programs and services, and collaborations with others involved in medical education and assessment, that have the potential to advance international medical education and health care worldwide. In 2003, ECFMG entered into a collaborative agreement with the National Board of Medical Examiners to develop and deliver clinical skills examinations. In 2004, Step 2 Clinical Skills (Step 2 CS), a product of the ECFMG-NBME collaboration, was incorporated into the USMLE. Step 2 CS replaced the ECFMG CSA as a requirement for ECFMG Certification and is also a requirement for students and graduates of U.S. and Canadian medical schools. Step 2 CS protects the safety of American health care consumers by ensuring that all physicians entering the U.S. health care system meet a minimum national standard for clinical and communication skills.

ECFMG's organizational members are the American Board of Medical Specialties, American Medical Association, Association of American Medical Colleges, Association for Hospital Medical Education, Federation of State Medical Boards of the United States, and the National Medical Association. ECFMG is governed by a Board of Trustees consisting of two representatives from each organizational member, up to eight Trustees-at-Large, and ECFMG's President, who serves as a voting member of the Board.

ECFMG PROGRAMS

ECFMG Certification

Through its program of certification, ECFMG assesses the readiness of IMGs to enter U.S. GME programs in the United States that are accredited by the Accreditation Council for Graduate Medical Education (ACGME). Physicians enter these advanced training programs after graduating from medical school. IMGs are defined as physicians

who receive their medical degrees from medical schools outside the United States and Canada.

Physicians participating in GME programs provide supervised patient care at U.S. hospitals and other institutions. ECFMG Certification assures the directors of these programs, and American health care consumers, that IMGs have met minimum standards of eligibility required to enter such programs. ECFMG Certification is also required for IMGs to be licensed to practice medicine in the United States.

To be eligible for ECFMG Certification, IMGs must satisfy both examination and medical education credential requirements. To meet the examination requirements, an IMG must pass Step 1 and Step 2 of the United States Medical Licensing Examination™ (USMLE™). These are the same examinations taken by students/graduates of U.S. and Canadian medical schools. To meet the medical education credential requirements, an IMG must have had at least four credit years in attendance at a medical school listed in the *International Medical Education Directory*, maintained by the Foundation for Advancement of International Medical Education and Research (FAIMER®). ECFMG also requires copies of the IMG's medical education credentials, specifically the final medical diploma and final medical school transcript. ECFMG verifies these credentials directly with the medical school that issued the documents. Once these examination and medical education credential requirements have been met, the physician is eligible to receive the Standard ECFMG Certificate. IMGs can use the Standard ECFMG Certificate to enter U.S. GME programs.

Certification Verification Service

Through its Certification Verification Service, ECFMG provides primary-source verification of the ECFMG certification status of international medical graduates. The organizations that require such verification include GME program directors, hospitals, licensing boards, credentialing services, and HMOs. Organizations that request verification receive a status report containing information about whether a physician is ECFMG-certified, the date that certification was issued, and the date(s) through which the certificate remains valid for purposes of entry into GME.

Electronic Residency Application Service (ERAS®)

The Electronic Residency Application Service, or ERAS, was developed by the Association of American Medical Colleges (AAMC) to enable medical students and graduates to apply electronically for residency positions in U.S. GME programs. Students and graduates of medical schools in the United States and Canada apply for these positions through the dean's office at their medical school. For IMGs participating in ERAS, ECFMG serves as their designated dean's office.

ECFMG provides IMGs with the identification number needed to access the AAMC website and complete and transmit residency applications on-line. ECFMG also scans applicants' supporting documents, such as letters of recommendation and medical school

transcripts, and makes them available electronically to the programs to which the applicants have applied. Finally, ECFMG provides electronic copies of reports that confirm the applicants' ECFMG certification status and transcripts of their USMLE exam history.

Exchange Visitor Sponsorship Program

To participate in U.S. GME programs, foreign national physicians must obtain an appropriate visa that permits such clinical training activities. One visa commonly used for this purpose is the J-1 visa, a temporary non-immigrant visa reserved for participants in the Exchange Visitor Program. The Exchange Visitor Program was established by the U.S. Department of State to enhance international exchange and mutual understanding between the people of the United States and other nations.

ECFMG is authorized by the U.S. Department of State to sponsor foreign national physicians for the J-1 visa for the purpose of participating in U.S. GME programs. The duration of sponsorship is limited to the time typically required to complete the physician's specialty program, as published by the American Board of Medical Specialties, with a maximum of seven years. In keeping with the Exchange Visitor Program's goal of international exchange, these physicians are required to return home for at least two years following their training before they are eligible to return to the United States on certain visas.

Since 2003, the ECFMG Exchange Visitor Sponsorship Program has held an annual conference for staff members of U.S. institutions where IMGs participate in GME programs. The annual conference provides opportunities for education and exchange on topics related to the entry of IMGs into the U.S. health care system. In past years, these topics have included ECFMG Certification, physician credentialing, J-1 visa sponsorship, medical licensure, and immigration issues.

International Credentials Services

The migration of physicians worldwide is a common occurrence. When physicians wish to practice medicine in a country that is different from the country where they attended medical school, authorities in the country to which the physicians emigrate must evaluate their qualifications, including their medical credentials. Through its International Credentials Services, ECFMG offers primary-source verification of the medical credentials of these physicians to international organizations and authorities involved in medical registration, licensing, and assessment. The physician credentials verified include medical school diplomas, transcripts, certificates of postgraduate medical training, and medical registration or licensure.

In providing this service, ECFMG utilizes its well-established and internationally-recognized procedures for verifying medical credentials for the purpose of ECFMG Certification. Through the certification program, ECFMG has acquired expertise in the primary-source verification of medical education credentials, as well as an outstanding resource in the form of the ECFMG medical credentials reference library. The library,

which represents more than 1,700 international medical schools, includes the names of medical school officials, authentic signatures and seals, and samples of verified diplomas.

**FOUNDATION FOR ADVANCEMENT OF
INTERNATIONAL MEDICAL EDUCATION AND RESEARCH
(FAIMER)**

The Foundation for Advancement of International Medical Education and Research (FAIMER) is a nonprofit foundation of ECFMG. The Foundation was established in 2000 to support ECFMG's aims and missions, thereby advancing ECFMG's overall purpose of promoting excellence in international medical education. FAIMER is governed by a Board of Directors, which overlaps in part with ECFMG's Board of Trustees. ECFMG's President and Chief Executive Officer serves as Chair of the FAIMER Board.

In establishing FAIMER, ECFMG has formalized its commitment to the international medical education community and has dedicated resources to support programs and research aimed at improving medical education and health care worldwide. FAIMER's activities are concentrated in three areas:

- **Tracking Medical Education.** FAIMER seeks to build informational resources on medical education worldwide and share them broadly with physicians, patients, students, researchers, medical schools, and organizations concerned with credentialing and licensure. These resources will support the development of indicators of educational quality and enhance research on medical education. The availability of accurate information on the world's medical schools also supports ECFMG in its primary mission of evaluating the qualifications of international medical graduates who wish to enter graduate medical education and health care systems in the United States.
- **Educating the Educators.** Educational programs for international medical school faculty provide opportunities for the cross-cultural exchange of educational expertise and experiences. They allow faculty members to serve as local resources for educational improvements, which can enhance health outcomes. FAIMER's educational programs fulfill ECFMG's commitment to assist international medical schools, and other organizations concerned with health professions education, as they engage in program development, standard setting, and evaluation.
- **Discovering and Disseminating Knowledge.** FAIMER is committed to understanding the impact of physician migration on the functioning of health care systems. It is also dedicated to studying which aspects of medical education lead to improved patient outcomes. To these ends, FAIMER supports research and collaborations that yield meaningful knowledge on medical education and international medical graduates, and disseminates this information broadly.

ADDITIONAL INFORMATION

More information on ECFMG, FAIMER, and their programs, resources, and services is available on the ECFMG website at www.ecfm.org and the FAIMER website at www.faimer.org.

EMPLOYMENT

A. EQUAL EMPLOYMENT OPPORTUNITY (EEO)

It is a fundamental policy of ECFMG to promote fair and equitable treatment of all employees and applicants. ECFMG is committed to proactively fostering an environment free from discrimination in all aspects of its employment. Continued responsible growth of ECFMG depends upon enhancing and utilizing the abilities of all individuals to the fullest extent possible. ECFMG will ensure that all employment-related actions, including, but not limited to: hiring, compensation, benefits, promotions, transfers, reassignments, company sponsored training, education, tuition assistance, social and recreational programs and all other terms and conditions of employment are administered without regard to race, color, religion, creed, age, sex, sexual orientation, national origin, military/veteran status, or disability.

The achievement of EEO goals is the personal responsibility of each manager, supervisor and employee. All activities must reflect full acceptance and commitment to the policy. Employees may notify their supervisor, the next level of management, or Human Resources, of complaints under the policy. The Director of Human Resources has been designated as the Equal Employment Opportunity Officer for ECFMG.

B. SEXUAL HARASSMENT AND NON-DISCRIMINATION

ECFMG is committed to a work environment in which all individuals are treated with mutual respect and dignity. Each individual has the right to work in a professional atmosphere that prohibits discriminatory practices, including harassment. Therefore, ECFMG expects that all relationships among persons in the office will be business-like and free of bias, prejudice and harassment. ECFMG will make every reasonable effort to ensure that all employees are familiar with these policies and aware that any complaint in violation of such policies will be investigated and resolved appropriately.

Reports of harassment may be made to the employee's immediate supervisor, other managers, or Human Resources. All reports of harassment will be handled promptly and as confidentially as possible. ECFMG has adopted a detailed policy, which is available on the public folders, or in paper form upon request to Human Resources.

C. WORKPLACE VIOLENCE

ECFMG strives to provide a safe workplace for all employees and does not tolerate any type of workplace violence committed by or against employees. Employees are prohibited from making threats or engaging in violent or threatening activities. Examples

of unacceptable conduct include, but are not limited to: causing physical injury to another person; making threatening remarks; aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress; intentionally damaging employer property or property of another employee; possession of a weapon while on ECFMG property or while on ECFMG business or; committing acts motivated by, or related to, sexual harassment or domestic violence. Any potentially dangerous situations must be reported immediately to a Supervisor or the Human Resources department.

D. JOB OPENINGS, PROMOTIONS AND TRANSFERS

In order to provide growth opportunities for employees, it is the practice/policy of ECFMG to promote and transfer from within whenever possible. ECFMG will give current employees who have completed six (6) months of employment with ECFMG the opportunity to apply for most open positions before they are made available to outside candidates. These positions will be posted in the Human Resources public folder as well as on the bulletin board in the lunchroom. Internal candidates will have five working days to apply for the position before external candidates will be considered for interviews. Internal candidates' personnel file work records, performance appraisals, Kronos attendance records and job related qualifications may be examined when considering an internal candidate for an open position. ECFMG reserves the right to choose the applicant it believes best possesses the qualifications and skills necessary to perform the responsibilities of the open position at that time. ECFMG also reserves the right to reassign employees based on the needs of the organization and promote employees within the same department without posting the job as an open position.

E. BACKGROUND CHECKS

In order to provide a safe work place for employees and visitors ECFMG performs background checks. Background checks are done as a method of ensuring that the people we employ offer the qualities we seek in an employee. All background check results will be considered part of the decision making process for employment at ECFMG.

F. EMPLOYMENT CLASSIFICATIONS

ECFMG recognizes four different classifications of employees, all of which are paid through ECFMG bi-weekly payroll. Regular full-time employees are regularly scheduled for 35 hours of work per week, which is an 8 hour day with a one hour unpaid lunch and are entitled to full benefits. Regular part-time employees work less than 35 regularly scheduled hours per week and are entitled to pro-rated benefits. Part Time-As Needed employees are scheduled on an as-needed basis and are not entitled to benefits. Temporary employees are required only for a specified period of time or a particular project, which is usually less than six (6) months but is not to exceed one year and are not entitled to benefits.

Employees are also divided according to their category under the Fair Labor Standards Act (FLSA). Exempt employees are not subject to the overtime provisions of the FLSA, while Non-Exempt employees are subject to the overtime provisions of the Act.

G. HOURS OF WORK

ECFMG's workweek is Monday through Friday; 9:00 a.m. to 5:00 p.m. Full time employees are scheduled to work five (5) days of eight (8) hours each. Employees are given one hour for a lunch break.

ECFMG recognizes the need for employees to balance work and personal obligations. To support employees and their families, ECFMG allows employees to maximize their time by providing flexible schedule opportunities. ECFMG will base these opportunities on the operational needs of each department but must be inclusive of the "core hours" 10:30 AM to 3:30 PM and be a full work day as described above.

Employees are expected to record their hours worked each day by swiping in and out using their Kronos cards. Non-exempt employees are expected to swipe in when they arrive for work, swipe out and back in for lunch and then swipe out when they finish their duties for the day. Exempt employees should swipe in and out every day. Kronos cards are obtained from Human Resources.

H. EMPLOYEE RECORDS

An employee's official personnel file is stored and maintained in Human Resources. Only information required for business and/or legal purposes will be placed in the personnel file. Subject to business needs, ECFMG will maintain the confidentiality of the information in the personnel file. Personnel files may not be removed from Human Resources without approval from the Director of Human Resources. Should an employee wish to review his or her personnel file, they must schedule an appointment with Human Resources. Managers are also permitted to see their employees' personnel files with the approval of Human Resources. Any and all medical information relating to an employee will be maintained in a separate confidential file. Standardized Patient employees will have a separate confidential file containing medical information relating to case matching maintained in the secure cabinet in the Center Manager's office.

All requests for information about a current or former employee such as references and verifications of employment should be referred to Human Resources. Requests that no information be released will not be honored if and when such information is required by a legal entity.

I. PERFORMANCE MANAGEMENT

In order to help employees to continuously improve their performance and ensure consistent, continuous communication between supervisor/manager and employee, ECFMG has a performance management program. Managers review the employees

working in their departments formally once a year. Managers should not withhold their feedback until these annual meetings. Rather, they should give their employees constant feedback throughout the year.

Managers should give the employee who is being evaluated ample notice of the meeting and an opportunity to complete a self-evaluation. The evaluation meeting should take place in a private area, without interruptions. The annual evaluation is also an opportunity for employees to discuss their strengths and areas in which they need improvement and/or development.

J. EMPLOYMENT OF RELATIVES

To avoid the appearance of favoritism, or conflict of interest, ECFMG regulates the employment of individuals who are related to each other by blood or marriage. Relatives include spouse, children, grandchildren, parents, grandparents, siblings, aunts, uncles, cousins, nephews, nieces and in-laws or steps of these relations. ECFMG does not employ relatives as defined above to work in full time or part-time positions in the same department without a VP approval. Relatives may not be placed or promoted into a supervisory relationship with each other under any circumstances. Employees who marry may continue with the company provided they are not in a reporting relationship.

K. EXPECTED CONDUCT

1. Attire

Although style of dress is left to the discretion of individual employees, all ECFMG employees must present a clean, neat, professional appearance and dress according to the professional requirements of their position. Examples of inappropriate attire include, but are not limited to: athletic sports attire, shorts, mini-skirts, midriff or halter tops, spaghetti strap tops/dresses, tight fitting stretch pants, jeans, sweat pants sneakers, flip flops, T-shirts, or sweatshirts. Managers are responsible to monitor adherence to these guidelines, and will be held accountable for the implementation of the policy and should apply it consistently across their departments.

ECFMG adopts a business casual policy from Memorial Day to Labor Day and on Fridays throughout the year. All employees must wear their identification badge in a visible location at all times.

2. Attendance

ECFMG expects employees to maintain a good attendance record by reporting to work regularly and on time. Excessive absenteeism and lateness can be disruptive to the smooth operations of a department.

Employees are expected to report to work at their scheduled starting time and remain at work until their scheduled quitting time. An employee is expected to obtain

approval from their supervisor when they are going to be away from the work area for greater than 10 minutes. Employees who are unable to report to work are required to notify their supervisor/manager or designee at the earliest possible opportunity, but at least one hour prior to their scheduled starting time (unless a lesser amount of notice is allowed by departmental procedures). Employees must follow up any messages left on voice mail with a telephone call to the manager/supervisor. Leaving a message on voice mail without a follow-up call is unacceptable. For absences of more than one day, employees are expected to contact their supervisor/manager each day they are absent or for more serious illnesses or injuries, inform the supervisor how many days they will be out. If an employee believes that the absence should be considered under ECFMG's Family and Medical Leave policy, he or she should contact Human Resources.

All absences of three consecutive days should be reported to Human Resources by the supervisor for consideration under the Family Medical Leave Act (FMLA.)

All employees are required to record their start and finish times via the KRONOS system. Employees must swipe their own cards and are not permitted to swipe the cards of other employees. Non-exempt employees are not to swipe in more than 5 minutes before their scheduled starting time and shall not swipe out later than 5 minutes after their quitting time, unless they have received prior authorization from their supervisor/manager. Non-exempt employees who report to work more than 15 minutes late will not be paid for the amount of time that they are late.

An employee who is absent and does not communicate with their supervisor/manager for more than 2 consecutive work days will be considered to have abandoned their position, which is grounds for immediate termination.

Excessive absenteeism and lateness will be subject to corrective action, unless excused under ECFMG's Family and Medical Leave policy. Excessive absenteeism is defined as 4 occurrences of absence in a "rolling" 3-month period. Excessive lateness is defined as 4 days of lateness in a "rolling" 3-month period. Other examples of attendance violations that may subject an employee to corrective action include, but are not limited to: absences which are similar or repetitive in nature, taking time off when it has been denied by the supervisor/manager and falsification of attendance records.

3. Change in Employee Information

Employees should report any change in address, telephone number, and marital and dependent status to Human Resources. This information is both important, and in many cases necessary for benefits and tax withholding purposes.

4. Children in the Workplace

Children are not permitted in the ECFMG workplace as a regular practice. Any exceptions to this must be approved by the respective Vice President, prior to the child being brought to work.

5. Phone Use

Personal telephone calls should be limited to those calls of an urgent nature. The phones provided are for ECFMG business and not for the personal use of employees. ECFMG reserves the right to monitor telephone use.

6. E-mail

ECFMG maintains an e-mail system to assist in the conduct of business within and outside of the company. The e-mail system is company property. All messages composed, sent, or received on the e-mail system are and remain the property of ECFMG. They are not the private property of the employee. ECFMG reserves the right to review, audit, intercept, access and disclose all messages created, received or sent over the e-mail system for any purpose. This notwithstanding, such messages should be treated as confidential by other employees and are to be accessed only by the intended recipient.

E-mail may be used for personal matters on a reasonable basis, subject to, but not limited to the following constraints: use of e-mail may not interfere with the satisfactory completion of the employee's job duties and responsibilities; the e-mail system may not be used for solicitation for commercial, religious or political causes; the e-mail system is not to be used to create or distribute offensive, disruptive, or threatening messages including, but not limited to those containing sexual implications, racial slurs, gender-specific comments, or any other comments that offensively address the issues of age, sexual orientation, religious or political beliefs, national origin, veterans status, or disability; the e-mail system shall not be used to send or receive copyrighted materials, trade secrets, proprietary information or other similar materials without prior authorization.

7. Internet Use

Access to the Internet has been provided to employees as needed for the benefit of the organization and its applicants. It is the responsibility of all employees to use the Internet in a productive manner, consistent with the image of ECFMG. Internet use may not disrupt the operations of the organization, nor may it be used for solicitation or personal financial gain. The Internet may not be used to play games or for entertainment during work hours. Employees are not permitted to visit Internet sites with sexual or other inappropriate content. Personal use should be kept to a minimum. ECFMG has the right to monitor employees' Internet use.

8. Solicitation

ECFMG does not permit general solicitation with the singular exception of non-religious charitable causes and/or employee celebratory gifts (baby showers, etc). This exception requires prior approval from Human Resources. Employees are to keep the solicitation for these purposes during working hours or in working areas to a minimum. Such activities are better conducted outside of the working areas, during rest or lunch periods. Employees are not to engage in commercial solicitations at all during working hours. Solicitation by non-employees is also prohibited on ECFMG property.

9. Professional Participation in Outside Activities

All employees who spend time away from ECFMG office during work time to participate in the activities of an outside organization, which are not directly related to an employee's work responsibilities, as opposed to ECFMG business-related travel, must receive prior approval from the respective Vice President at least 30 days prior to any participation in activities and related travel.

Approved related outside activities will have travel expenses reimbursed by ECFMG provided there is sufficient departmental budget. The time away will also be considered work time and not chargeable to personal time off. If the activity involves an honorarium, and is a related outside activity, the honorarium must be turned over to ECFMG.

Unrelated outside activities are activities that are outside the scope of ECFMG's business activities. Time off to attend must be charged to personal or vacation time and all related expenses must be borne by either the individual or the sponsoring organization. Any honorarium, reimbursement, speaking fee or stipend earned while on personal time is the income of the employee.

10. Communications

Important messages regarding employment will be communicated to employees via the e-mail system. Other information will be posted on public folders, accessible to any employee with access to a computer. Legally required information will continue to be posted on the bulletin board in the lunchroom.

11. Confidentiality and Media Contacts

While working for ECFMG, employees and outside consultants and contractors may have access to material considered confidential. It is the intent of ECFMG to limit the dissemination of verbal, written, and electronic information and programs to only those employees and/or organizations or external entities authorized to receive such information. When in doubt about whether the information an employee is disclosing may be confidential, the employee should consult their supervisor/manager.

In addition, ECFMG plays a prominent role in issues involving international medical education and international medical graduates. As a result, ECFMG will receive

periodic requests for information from the media, which involve complex or sensitive issues. It is important that ECFMG provide consistent, uniform and professional responses to these inquiries so media responses should be limited to authorized personnel.

All employees are required to sign the confidentiality of information agreement and abide by its terms.

12. Safety and Reporting Injuries

ECFMG asks that employees practice simple safety precautions. If an employee has an accident, injury, becomes ill during work, or notices anything unsafe in the work area, the employee should notify a supervisor/manager immediately. Supervisors/manager who receive such information must complete an accident report and contact Human Resources ASAP.

13. Corrective Action/Discipline

ECFMG uses a progressive system of corrective action for employees who experience certain work-related problems. Such problems are generally characterized as poor performance, inappropriate conduct, and/or attendance-related issues. The intent of the corrective action is to correct a work-related problem by identifying the problem, communicating and reviewing the problem with the employee, identifying the clear and specific standards for improvement and advising the employee of the consequences of continued problems. All corrective action taken must be reviewed with Human Resources before it is communicated to the employee.

A Counseling (Verbal Warning) is an informal, non-disciplinary communication between a supervisor/manager and an employee discussing problems before the advent of formal disciplinary action. The employee is not required to sign a document for the personnel file, but a record of the communication will be kept by the manager. A Written Warning is the first step in the formal corrective action process and is typically issued for either severe incidents or repeated and/or ongoing problems. It is often issued if the informal communication has failed to correct a problem. A Final Written Warning is typically issued for a repeated and/or ongoing problem for which an employee has previously received a Written Warning but also may be issued for continued disciplinary action in unrelated areas. For severe conduct issues where the supervisor/manager feels there may be potential threat to other employees, clients or the organization, an employee may be placed on Administrative Leave. Employees are paid for the days for which they are on administrative leave, pending investigation by Human Resources. Administrative leaves should not exceed (5) consecutive scheduled workdays. Termination of Employment, the final step in the corrective action process, generally occurs when the employee has failed to correct a problem or situation despite the receipt of formal, written warnings.

Depending on the nature, frequency or severity of a violation, the various levels of warning may be instituted without prior corrective action. Termination decisions must be reviewed with Human Resources before they take effect.

All elements of the formal Corrective Action process must be documented, discussed with the employee and signed by the supervisor/manager, the employee and Human Resources before the documentation is placed in the employee's personnel file.

Examples of behaviors that may warrant Corrective Action up to and possibly including termination include, but are not limited to:

- negligence or failing to attend to applicant needs;
- inappropriate behavior toward an applicant, employee or visitor;
- insubordination (failure to follow a reasonable, job related instruction from a supervisory person);
- inappropriate or unauthorized release of confidential information or the threat to do such;
- falsification of employment or benefit documents;
- theft of or damage to organizational, applicant, employee or visitor property;
- theft or misappropriation of organizational, employee, visitor or candidate funds or information;
- possession, use, consumption or sale of illegal drugs or alcohol on ECFMG property;
- reporting to work under the influence of drugs or alcohol;
- possession of weapons or explosives on ECFMG property;
- falsifying organizational records or documents;
- violations of policies related to principles of quality service;
- excessive absenteeism and/or lateness;
- unlawful or improper conduct while on work time, including leaving the work area without permission;
- failure to perform work-related responsibilities satisfactorily;
- unlawful or improper conduct while off duty which could have a harmful effect on the operation or reputation of ECFMG;
- failure to follow departmental guidelines;
- sleeping while on work time;
- conviction of a crime which may call into question the employee's appropriateness or ability to properly carry out the responsibilities of their position;
- the use of computers, printers, telephones or other office equipment for personal gain or inappropriate activities;
- smoking in unauthorized locations, including anywhere inside any ECFMG office or testing facilities;
- violent behavior or threats of violent behavior toward another individual;
- the use of computers for games or entertainment during work hours.

For those employees who correct a particular problem or situation, a supervisor/manager may send a letter of improvement to the employee with a copy to Human Resources for inclusion in the employee's personnel file. This letter will acknowledge that the employee has corrected the problem and will express anticipation of continued satisfactory performance and/or behavior. However, this letter is not intended to, should not be construed to and does not create a term of employment, and does not limit or modify ECFMG's right to terminate an employee's employment at any time for any (or no) reason, without notice.

PAY PROCEDURES

A. PAY PERIOD/PAYMENT OF WAGES

The ECFMG pay period begins on a Monday at 12:01 a.m. and continues through the second Sunday at midnight. Employees are paid bi-weekly, every other Friday. If the scheduled pay day falls on a holiday, payment is made on the preceding workday. Payment can be made by direct deposit to a checking or savings account in the name of the employee. Employees may be paid by check, rather than direct deposit. ECFMG will not make salary advances.

B. PAYROLL DEDUCTIONS

The law requires certain payroll deductions. These include: Social Security (FICA), State Income Tax, Federal Income Tax, City Wage Tax, Medicare and unemployment compensation (if applicable). As a special service, employees may arrange for other specific deductions. These include employees' partial payment for family health insurance coverage as well as amounts directly deposited into employee saving fund accounts, individual retirement accounts (IRAs), TIAA-CREF Supplemental Retirement Annuities (SRAs) and/or the Cafeteria Plan. All deductions will be itemized in detail on each deposit slip or paycheck stub. Deductions for payment of personal expenses are not permitted.

C. PAYROLL ERRORS

Precautions are taken to avoid errors in pay deposits. However, if an error does occur, employees should tell their supervisor/manager. If an error is found, accounting will make the adjustment in the next regular pay.

D. HOURS OF WORK/OVERTIME

Non-exempt employees are employees in a position that does not meet the Fair Labor Standards Act (FLSA) guidelines necessary to qualify for exemption. Non-exempt employees shall be paid overtime for actual hours worked, in excess of 40 per work week (defined as Monday through Sunday), consistent with federal and state law.

Non-productive time off such as vacation, personal, holiday and sick shall not be counted in determining overtime compensation. A one-hour meal period during the day shall be unpaid so long as the employee is relieved of all duties and is free to leave their work area.

Overtime must be requested via an Overtime Approval Form and approved in advance by the appropriate supervisor/manager. Overtime that is worked, but has not been approved in advance will still be paid in accordance with the FLSA. However, such unapproved overtime may subject the employee to corrective action.

E. COMPENSATORY TIME OFF

Non-exempt employees who work hours on a particular day over and above those of the normal work day, may, at the discretion of their manager, be given equivalent time off during the same work week to make up for the extra hours worked on a previous day. All compensatory time off scheduling must take place during the same work week.

F. SALARY INCREASES

Employees may earn individual merit increases based on their annual performance evaluation. These increases are not guaranteed, but result from the employee meeting or exceeding the expected standards for the position. The percentage of the increases depends on the current operating status of the organization, current economic situations, and the annual performance evaluation of the employee. ECFMG may also increase employee's salaries for reasons such as a promotion, change in job duties or a change in the market value of a particular position. All salary increases are granted solely at the discretion of the ECFMG.

BENEFITS

ECFMG provides numerous insurance and pension benefits to its regular full and part-time employees. The various plans are listed below. ECFMG pays most, if not all of the costs of the insurance programs. Eligible employees will receive information and Summary Plan Descriptions (SPDs) describing the most important parts of the various benefits plans. These Summary Plan Descriptions and insurance policies should be consulted for the full details of these programs. At the discretion of ECFMG's Executive Management, the features of the programs may be changed at any time for any reason, including the introduction of or increase in employee contributions toward benefits. In the event of any discrepancy between the Employee Handbook and the Summary Plan Descriptions and insurance policy, the SPD and insurance policy always govern. When changes occur, updated versions of the descriptions incorporating these changes will be sent to employees.

A. HEALTH

1. Medical Insurance

ECFMG provides regular full-time and regular part time employees coverage under one of two possible medical insurance plans: Personal Choice PPO and; Aetna US Healthcare HMO. Part-time employees must pay a pro-rata share of the single coverage premiums. The amount is determined by the percentage of full time hours they are regularly scheduled to work. Booklets describing the plans are provided to all employees and are available from Human Resources.

Employees may obtain the same medical insurance for their spouses and dependents. ECFMG will pay a percentage of the premium charges to provide medical insurance coverage for families of employees and employees will pay the remainder through payroll deductions. Regular part-time employees may be provided similar coverage, but are required to pay a pro-rata share of the cost in proportion to the percentage of full time hours they are regularly scheduled to work.

ECFMG offers a waiver provision for full-time employees who waive their health and dental benefits and can show they are covered by another medical insurance plan. ECFMG will pay employees who waive their coverage \$50 per month.

2. Dental Insurance

ECFMG provides full time employees with United Concordia Dental. ECFMG will pay a percentage of the cost of Dental Insurance for employees' families and employees will pay the remainder through payroll deductions.

Part-time employees are provided with similar coverage, but are required to pay a pro-rata share of the cost in proportion to the percentage of full time hours they are regularly scheduled to work. There is no waiver provision for dental coverage.

B. LIFE AND DISABILITY

1. Life Insurance

ECFMG provides employees who are regularly scheduled to work at least 14 hours per week with life insurance from Sun Life of Canada equal in amount to their annual salary to a maximum of \$60,000.

In addition, eligible employees (as defined above) have the option to purchase supplemental life insurance from Sun Life of Canada. Employees are eligible to purchase up to three times their annual salary not to exceed \$500,000 at very competitive rates. Employees may also purchase insurance for their spouse for half of what they purchase for themselves not to exceed \$100,000. Life

Insurance, in smaller amounts, is also available for employees' children. Medical underwriting may be required for certain amounts of supplemental life insurance.

2. Short Term Disability

ECFMG, through Sun Life of Canada, provides regular full time employees with a short-term disability plan. New employees become eligible for the plan on the first of the month after three (3) months of employment. Eligible employees will receive 60% of their regular weekly pay up to a maximum of \$1,000 per week after they have been out of work due to an illness or injury for two weeks (known as the "elimination period"). Short-term disability may last for up to nine weeks.

During this two week elimination period, the employee will be paid through the use of accumulated sick time and, if necessary, vacation time.

Employees who were employed by ECFMG on or before February 1, 1994 will receive the other 40% of their pay from ECFMG. This practice will start with the commencement of short-term disability benefits after the two week elimination period and continuing until the end of short term disability. Between 90 and 180 days, benefit payments will be made at a rate of 100% for each year of service.

3. Long Term Disability

ECFMG, through Sun Life of Canada, provides regular full time employees with a long-term disability plan. Eligible employees will receive 60% of their regular monthly pay up to a maximum of \$10,000 per month after they have been out of work due to an illness or injury long enough that their short term disability has expired. Disability payments will continue until the employee is no longer totally disabled, though there are age restrictions at age 65 and above.

Both the Short and Long Term disability plans provide a yearly cost of living increase, and a waiver of premium so that an employee's life insurance is paid while on disability and an initiation or continuation of contributions to the employee's TIAA/CREF retirement program.

C. RETIREMENT

1. Retirement Annuities (RA)

After two years of employment, all regular full and part-time employees are eligible to participate in a retirement annuities plan with either Teachers Insurance Annuity Association of America (TIAA) and College Retirement Equities Fund (CREF) or The Vanguard Group. New employees who have worked for an educational institution (as defined in the plan document) for two years, and at least 1,000 hours per year, immediately prior to starting at ECFMG will have their waiting period waived and will be eligible to participate immediately.

At the end of the 25th month of employment, and at the end of each month of employment thereafter, ECFMG will deposit to the TIAA/CREF and/or Vanguard account of the employee an amount equal to 15% of the employee's base salary for that month.

An employee's TIAA/CREF and/or Vanguard contract and all funds deposited and accrued under that contract become the permanent property of the employee, whether or not they remain in the employ of ECFMG until they retire.

2. Supplemental Retirement Annuities (SRA)

All regular full and part-time employees are eligible to participate in the TIAA and CREF Supplemental Retirement Annuities (SRA) and/or Vanguard and may choose to do so at any time. SRAs are tax-deferred retirement savings plans (separate from the basic retirement income plan). Employees select the amounts they wish to have deducted from their pay, subject to certain minimums and maximums. These deductions are made through the payroll system before taxes are withheld, therefore lowering taxable income. TIAA and CREF and/or Vanguard SRAs offer ten different investment choices ranging from the most conservative guaranteed annuities to bond, real estate and equity funds. Brochures and applications are available from Human Resources.

D. WORKERS' COMPENSATION

ECFMG is required by law to protect its employees through workers' compensation insurance. It is therefore the employee's responsibility to report all accidents or injuries occurring on the job, no matter how minor. Illness or accidents should be reported at once to the employee's supervisor.

E. FLEXIBLE SPENDING ACCOUNTS

Employees may participate in the Dependent Care Plan and/or the Medical Expense Plan. An employee may have money withheld from their pay and deposited to a Dependent Care Account and/or a Medical Expense Account. No federal income or Social Security (FICA) taxes are withheld from the money deposited to the account(s). When an eligible expense occurs, the employee is reimbursed with the money in the account(s) to pay for that expense. This benefit is administered by Ceridian, the ECFMG payroll administrator. Any money left in the accounts for which there is no reimbursement is lost to the employee. Details of this benefit can be provided by Human Resources.

F. PAID ABSENCE

1. Holidays

ECFMG closes its offices for eight (8) holidays per year. The officially recognized holidays are New Years Day, Martin Luther King Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas. In addition, Christmas Eve day, December 24, will be observed as a holiday if it falls on a working day.

Holidays that fall on a Saturday will be observed on the preceding Friday and holidays that fall on a Sunday will be observed on the following Monday.

Holiday pay for regular full-time employees consists of an employee's base hourly rate multiplied by the amount of hours the employee is regularly scheduled to work on the day of the holiday. Regular part-time employees are eligible for holiday pay on a pro-rated basis. For example, an employee who works half time will be paid for 50% of every holiday. Part time As Needed employees are not eligible for holiday pay but will be paid at time and $\frac{1}{2}$ for all hours that they are required to work on an official ECFMG holiday. Temporary employees are not eligible for holiday benefit or time and $\frac{1}{2}$ pay.

Full-time employees must work the entire scheduled work day preceding and the entire scheduled work day following the holiday to be eligible for holiday pay, except where such absence has prior approval by the employee's supervisor/manager such as in cases of vacation or optional holidays. If a holiday occurs during an employee's scheduled vacation it will be charged as holiday pay.

When an employee is required to work on one of the observed holidays, the employee is given one alternate day off with compensation at their regular rate of pay. The employee must schedule the alternate day within the same calendar year during which the holiday falls. The employee must receive approval for the alternate day from their supervisor/manager.

Full time employees receive two (2) optional holidays during each calendar year. Part-time employees are not eligible for optional holidays. New employees who begin work on or after July 1 are only entitled to one such day. New employees who commence their employment on or after October 1 are not entitled to any optional holiday in the calendar year in which their employment commenced.

Employees may only take one optional holiday during the first 6 months of the calendar year. The first optional holiday may be saved for use in the second six months of the year, along with the second optional holiday. Employees must have prior approval by the supervisor/manager to schedule an optional holiday. Optional holidays may not be carried over to the next calendar year.

2. Vacations

Regular full and part-time employees are entitled to paid vacation benefits. Vacation hours are accrued per month based on an employee's scheduled hours, job classification and length of service as set forth in the vacation table below. The

vacation accrual rate will be adjusted based on length of service in the month of the employee's anniversary date. The new accrual rate will take effect upon completion of the fourth and eighth years of service. Regular part-time employees accrue pro-rated benefits based on the percentage of full time hours per week. Employees who start their employment on the first through the fifteenth day of the month will earn vacation credit for that month. An employee who commences their employment after the fifteenth day of the month will not earn vacation credit for the month in which they start.

VACATION TABLE			
Job Category	Accrual Rate (prior to completion of 4 years of service)	Accrual Rate (following completion of 4 years of service)	Accrual Rate (following completion of 8 years of service)
Senior Executive	20 days	20 days	20 days
Exempt Level	15 days	20 days	20 days
Non-Exempt Level	10 days	15 days	20 days

Vacation cannot be taken before it is accrued. Time accrued during a month is available for use during the following month. New employees may not use their vacation during their first three (3) months of employment. Employees shall not be paid in lieu of taking vacation; however, vacation may be carried over from year to year. The maximum vacation amount that may exist at the end of a calendar year is two-(2) times the employee's annual accrual.

Vacation is paid according to an employee's rate of pay at the time the vacation is used. Vacation may be granted in no less than one-hour increments for non-exempt employees and half days for exempt employees.

Employees who give proper notice of resignation will receive payment for all accrued, unused vacation, provided they have been employed by ECFMG for six-(6) months and have not been terminated for misconduct.

Requests for vacation will be made using the Employee Time Off Request Form and will be granted at the discretion and approval of the supervisor/manager, based on the departmental business needs and other employees previously approved vacations. The supervisor/manager is responsible for ensuring proper staffing levels when granting vacation requests and for maintaining attendance records and recording proper vacation usage on Kronos exception reports. Supervisor/managers will make every attempt to accommodate an employee's request for vacation. However, employees may be required to postpone vacations to accommodate the needs of the department, or in emergency situations. Part time – as needed and temporary employees are not eligible for vacation time.

3. Sick Time

Sick time is provided to ECFMG employees in order to pay employees who are unable to work due to an illness or injury and to bridge the gap until their short-term

disability commences. Regular full time employees earn one sick day per month for a total of twelve (12) days per year. Regular part time employees earn sick days on a pro-rata basis. The maximum amount of sick time an employee may accrue is thirty days (210 hours). Employees who have reached this maximum will cease accruing sick time until their accrual is reduced below the maximum accrual amount. If an employee starts work between the first and fifteenth (15) of a month, sick time will be accrued for the month. If the employee begins after the fifteenth of the month, they will not accrue sick time for that month.

Sick time is paid according to the employee's base hourly rate at the time the sick time is taken. Sick time will be paid in amounts of no less than one hour for non-exempt employees and a full day for exempt employees. Sick time may not be taken before it is earned.

An employee may use up to five (5) of the accrued sick days per calendar year to cover time lost from work for care of dependents who are ill. It is the responsibility of the supervisor/manager to track employees' use of these five (5) sick days.

Unused sick time will not be paid upon separation from employment.

4. Bereavement/Funeral Leave

It is the policy of ECFMG to provide employees with paid time off to attend the funeral and/or to attend to the personal responsibilities associated with the death of an immediate family member or a relative. Immediate family is defined as a parent, spouse, child, sibling, grandparent, grandchild, parent-in-law, sibling-in-law as well as "adoptive", "foster", "legal guardian", or "step" relationships. Relatives are defined as an aunt, uncle, niece, nephew, cousin, grandparent-in-law, or other personal relationship existing by virtue of blood or marriage.

In cases of the death of an immediate family member, an employee is eligible for up to three regularly scheduled work days off with pay as bereavement/funeral leave. The leave must take place within a reasonable time of the date of death or day of the funeral and may not be split or postponed. In cases of the death of a relative, one day off with pay may be granted to attend the funeral. In cases of the death of an ECFMG employee or a member of an employee's immediate family, employees shall be paid for the time during the workday that they take to attend the funeral, provided they have previous approval from their manager.

5 Jury Duty

ECFMG supports an employee's civic duty to respond to a call for jury duty by providing time off for this community service. Employees are to notify their supervisor/manager via an Employee Time-Off Request Form within three (3) days of receipt of a jury summons and subsequent notice of selection to serve as a juror in order to be eligible for compensation. An employee must provide proof of jury duty

to their supervisor/manager. Documentation should include court statements of dates and times served and will be kept in the employees personnel file in HR. An eligible employee will be paid only for days served for which they were regularly scheduled to work. ECFMG reserves the right to limit the number of paid days allowed for jury duty.

6. Unplanned Office Closings

In the event of severe weather or other emergency, ECFMG will place a message on its emergency closing number, which employees may call any time after 6:00 AM on the day of the emergency. The message will describe procedures to be followed by employees including delays in opening or office closings. Employees working at regional CSE Centers should check with the Center Manager for the emergency closing phone number for that Center. The manner in which employees will be paid for these occurrences will be determined on a case by case basis.

G. EDUCATIONAL ASSISTANCE

ECFMG provides tuition assistance to eligible employees to enhance their level of occupational proficiency, or to provide career development potential within the organization. Educational Assistance is only available to regular full time employees. New employees are eligible after completing six months of employment.

Courses must improve the employee's skills or capabilities, though not necessarily in relation to their current position at ECFMG. Courses must be taken at a school, college or university recognized by an appropriate accrediting or certifying body. Individual workshops, seminars, conferences, conventions, symposia, review and preparatory courses leading toward a licensure registry or certification are not covered by this policy, but rather shall be the responsibility of individual departments based on budgetary limitations and other applicable considerations.

ECFMG will reimburse employees at 100% of the tuition for up to 5 (five) courses per calendar year. Employees may take more than one course per semester, provided it does not interfere with the operations of their department. Eligible employees applying for the benefit are responsible for submitting a fully completed Tuition Assistance Request Form including the appropriate Vice President's approval to Human Resources prior to the start of the course.

Course attendance may not interfere with the employee's scheduled work or job performance. If there is conflict between the work schedule and the educational schedule, the work schedule will take precedence. ECFMG will reimburse the employee for courses in which the employee achieved a passing grade for graded courses or successful passing of the challenge exam.

H. EMPLOYEE EMERGENCY LOAN FUND

ECFMG provides emergency loans for employees with pressing monetary emergencies that could not have been planned for in advance. Employees shall complete a written request for a loan, describing the reason they need the money, how much is needed and requested re-payment options. All information supplied by the employee requesting the loan shall be held in confidence. The Director of Human Resources shall review loan requests, and make a recommendation to the Sr. Vice President for Finance and Support Services for approval/disapproval. Human Resources shall notify the employee of the decision. If the loan is approved, the employee will be required to sign a document evidencing the loan that will state the loan amount, the repayment period and the monthly payments. If an emergency loan is granted, the existence of the loan shall be held in confidence. An employee must use payroll deductions from his/her paycheck to repay the loan. Employee may only have one outstanding loan at a time. The maximum amount of loans per calendar year is \$1,000. All loans must be repaid in full within one year from the date of the loan.

I. TRANSPORTATION ASSISTANCE

Regular full time and regular part time employees who work at locations that do not have access to free parking are eligible to receive transportation assistance as of the first of the month following one month of employment. Eligible employees may choose either to receive a subsidy on public transportation up to the annual IRS allotment, or free parking.

ECFMG obtains transportation passes and tokens each month for those employees selecting the discounted travel assistance. ECFMG will contribute a designated amount within the IRS allotment each month toward the price of these passes or tokens. Any additional discount provided by the local transit authority will be passed on to employees. Employees participating in the discount transit program will pay for their portion of the monthly cost through payroll deductions the month prior to receipt of the passes or tokens.

Employees who wish to change their transportation assistance selection must provide written notice to the Accounting Department at least one month ahead of the effective month of the change. Changes may only be made at two times during the year, January and July, unless there are extenuating circumstances. Free parking may be limited to a first come first serve basis depending on the number of available parking spots at each location.

Part time – as needed employees who work at locations that do not have access to free parking will be given a dollar amount in their paycheck for each day worked that will be determined based on the cost of basic local transportation.

J. TRAVEL AND EXPENSE

An “Accountable Plan” has been established by ECFMG for employee business travel and entertainment expense reimbursement. ECFMG will reimburse employees for authorized, out of pocket business expenses under the guidelines of our policy. Under

IRS regulations for an Accountable Plan, reimbursements can be made only for travel and entertainment business expenses which meet three conditions:

1. the expense must have a legitimate business connection;
2. the expenses must be adequately accounted for within a reasonable period of time;
3. all excess cash advances must be returned within a reasonable period of time.

Expenses not meeting all three conditions will not be reimbursed. All business travel must be pre-approved by the immediate supervisor/manager and in some circumstances by the Sr. VP of Finance and Support Services. All travel expenses must be itemized with receipts on an ECFMG travel and expense form with the appropriate approval and submitted to payables in a timely fashion in order to be reimbursed.

K. ATTENDANCE INCENTIVE AWARDS

In order to encourage regular full time, non-exempt employees to maintain excellent attendance records and to reward those individuals who do so, ECFMG provides monetary rewards for excellent attendance. The Accounting Department will examine employees' attendance records to determine whether they have utilized any of their sick time during the relevant six-month period (either January 1 through June 30, or July 1 through December 31). Those employees who have not utilized any sick time, except those absences that qualify under FMLA in the relevant six-month period will be deemed to have perfect attendance and will be awarded \$100.

L. UNEMPLOYMENT

ECFMG is required by law to participate and contribute to state unemployment programs. In certain circumstances, separation from employment may result in eligibility for unemployment compensation. The state agency rather than ECFMG determines eligibility.

LEAVES OF ABSENCE

It is the policy of ECFMG to provide employees with a mechanism for taking a sustained period of time away from work to deal with important life issues. The various types of leave available are Family and Medical Leave (FMLA), Non-FMLA Medical Leave, Military Leave and Personal Leave.

A. FAMILY AND MEDICAL LEAVE

The Family and Medical Leave Act was introduced in 1993 to enable employees to take up to 12 weeks of leave per year; 1) to care for their newborn child; 2) take into the home an adopted or foster child; 3) to care for a family member with a serious health condition or; 4) for the employee's own serious health condition. During those 12 weeks the employee's job is guaranteed and they are entitled to health benefits (medical and dental) as if they were still working.

1. Eligibility

Family and Medical Leave will be granted to all regular full-time and part time employees who have worked for ECFMG for a least twelve (12) months and at least 1,250 hours of service during the previous twelve (12) month period.

2. Frequency

ECFMG will only grant 12 weeks of Family and Medical Leave in a rolling 12 month period. Any Family or Medical Leave taken during this 12 month period will be subtracted from the annual 12 week Family and Medical Leave entitlement.

3. Intermittent Leave

Intermittent Leave or "reduced schedule leave" will be available in cases of Medical Leave as defined above, or on case by case basis (using the company's business needs) in cases of Family Leave.

4. Integration with Paid Leave

The Family and Medical Leave Act only provides for an unpaid leave of 12 weeks. During the 12 weeks, employees must exhaust all applicable available paid time off ("PTO") including sick time, vacation and optional holidays. When an employee runs out of PTO, the remainder of the leave shall be unpaid. Sick time should primarily be used for the employee's own serious health condition. However, employees have the option to use up to thirty (30) days of sick time (provided they have accrued the time) when the leave is not for their own serious health condition. Accruals for sick and vacation cease during an unpaid leave of absence.

5. Procedures

Requests for Family and Medical Leave must be made at least 30 days before the beginning of the leave, or with as much notice as is practicable. Requests may be in writing, via a note, memo, Request for FMLA Leave Form, or be made orally to the employee's manager or Human Resources.

Human Resources, upon notification from the employee's department, will send the employee a written response and request a completed Medical Certification of Health Care Provider form, if the leave is medical in nature.

In cases of Medical Leave, the employee will return the completed Certification form to Human Resources for placement in the employee's confidential medical file.

An employee wishing additional time off should contact his/her manager or Human Resources to request a Medical Leave/Non-FMLA or a Personal Leave. The requests

will be reviewed by the manager/supervisor, Human Resources and the appropriate VP and a decision will be given in writing to the employee within 5 business days of the request.

Before returning to work from an FMLA Leave for their own serious health condition, the employee will submit a note from their health care provider to Human Resources. This note must state that the employee is medically able to return to work at their position. ECFMG reserves the right to have the employee cleared by a healthcare provider of its choice as fit to return to work.

B. MEDICAL LEAVE/NON-FMLA

When a regular full or part-time employee's own serious health condition renders them unable to perform the essential functions of their job and the employee has either exhausted their FMLA entitlement, or is not eligible for FMLA Leave, they may apply for a Medical Leave/Non-FMLA. The Medical Leave/Non-FMLA may not exceed 6 months. Intermittent leave will be available in cases of Medical Leave/Non-FMLA only on a case by case basis. The business needs of the department must be the determining factor in whether or not the leave is granted. All medical non-FMLA leaves must have the approval of the appropriate VP.

As with Family and Medical Leaves, any applicable, available PTO must be exhausted, including vacation and sick time. Accruals for sick and vacation time cease when the leave becomes unpaid. Employees on Medical/Non-FMLA leave must pay the group rate for benefits they wish to continue under COBRA.

For instances of a serious health condition of the employee, before returning to work, the employee will submit their health care provider's determination of fitness for duty to Human Resources. This determination must state that the employee is medically able to return to work at their position. ECFMG reserves the right to have the employee cleared as fit to return to work.

An employee returning from a Medical Leave/Non-FMLA may be reinstated to their position should the position still be available, or to a similar position. If their former position is not available, ECFMG will endeavor to place the employee in an available position within the institution. Should there be no suitable position available, the employee will be placed on layoff status.

C. MILITARY LEAVE

Military Leave is defined as an employee's absence from work for military/reserve service with one of the uniformed services of the United States. Military Leaves will be granted to any full-time and part-time employee in accordance with applicable law. The employee must present their military orders to their supervisor/manager for the leave to be approved.

Any available vacation and personal time may be utilized at the discretion of the employee. Accruals for sick and vacation time cease during an unpaid leave of absence. Employees will receive health benefits under the same terms and conditions as if they were working during the first thirty (30) days they are on a military leave. ECFMG will provide employees with COBRA coverage after the thirty-(30) days elapses. The employee will return to work under conditions set forth in applicable law.

D. PERSONAL LEAVE

Personal Leave is defined as an employee's absence from work for personal reasons that do not fall under the definition of Family and Medical Leave, Medical Leave/Non-FMLA, or Military Leave. A Personal Leave may be granted to any full-time or part-time employee, based upon the employee's circumstances and the operational needs of the employee's department.

A Personal Leave cannot exceed thirty (30) calendar days. Exceptions may be made on a case-by-case basis upon written appeal to Human Resources, who will, in consultation with the appropriate supervisor/manager and Vice President, make the decision. Personal Leave may not be taken intermittently.

Any available, applicable vacation and personal time must be exhausted. Sick time may not be used for Personal Leave. Accruals for sick and vacation time cease during an unpaid leave of absence. After vacation and personal time have been exhausted, personal leave will be unpaid.

An employee returning from a Personal Leave may be reinstated to their position should the position still be available, or to a similar position. If their former position is not available, ECFMG will endeavor to place the employee in an available position within the institution. Should there be no suitable position available, the employee will be placed on layoff status.

TERMINATION OF EMPLOYMENT

ECFMFG recognizes the right of employees, barring any written agreement to the contrary, to terminate their employment with ECFMG at any time and reserves the right to terminate the employment of an employee at its sole discretion. Employment may be terminated at any time, with or without cause and with or without notice barring violation of any state or federal employment law. ECFMG recognizes two types of terminations: voluntary resignations and involuntary terminations.

A. VOLUNTARY RESIGNATION

1. Notice

- a. An employee is expected to give as much advance notice as possible. An employee will provide written notification to the supervisor/manager of his or her intention to resign from their employment with ECFMG with the effective date.
- b. Non-exempt employees are expected to provide a minimum of two (2) weeks notice. Exempt employees are expected to provide a minimum of four (4) weeks notice.
- c. An employee who does not provide adequate notice will not be eligible for rehire unless the supervisor/manager and the resigning employee mutually agree upon a lesser notice period.
- d. The employee is expected to work his or her entire notice period unless vacation or personal time was requested and approved prior to the resignation and the time taken does not unreasonably interfere with the business of the employee's department.
- e. On occasion, an employee will give proper notice, but the manager/supervisor does not wish the employee to work during their notice period. In such cases the employee may be told not to continue coming in to work, but will be paid up through their originally stated last day of employment, or his or her expected notice period, whichever comes first.

B. INVOLUNTARY TERMINATION

In cases of involuntary termination generally, no notice period exists, and the last day of employment will be the date the employee is notified of the termination decision.

C. BENEFITS

Benefits information related to continuous coverage options for medical and dental benefits (COBRA) will be sent directly to the terminating employee's home address from Ceridian following the processing of the termination documents. Individuals eligible for COBRA will be required to pay the ECFMG group rate to continue the coverage for up to 18 months or longer, based on the legal guidelines of COBRA.

The terminating employee will not be paid his/her accumulated sick time or unused optional holidays upon separation from employment. Unused vacation time will be paid to the employee upon separation from employment, provided he/she was eligible to use the vacation as an employee, gave the expected notice and was not terminated for misconduct.

D. RE-EMPLOYMENT

ECFMG is willing to consider for employment individuals who previously worked in the organization who left on good terms, and who are eligible for re-hire. Employees who were involuntarily terminated are not eligible for re-hire. Employees whose prior employment was terminated for voluntary reasons and who provided appropriate notice to their termination may be considered for re-hire. If ECFMG rehires a former employee within the same 12 month period, ECFMG will waive the waiting period for retirement contributions.



DETERMINATION ON PAYMENT OF UNEMPLOYMENT BENEFITS

Date Mailed: May 11, 2010

KAMECHEAL MCKEEVER
8614 SAINT LO RD
HOUSTON TX 77033-3145



*COMPLAINT
EXHIBIT "C"*

Social Security Number: XXX-XX-6474
Employer: EDUCATIONAL COMMISSION
As:
Employer Account No.: 09-824171-0
All dates are shown in month-day-year order.

Decision

Issue: Separation from Work

Decision: We can pay you benefits, if you meet all other requirements.

Reason for Decision: Our investigation found your employer discharged you from your last work for a reason that is not misconduct connected with the work.

Law Reference: Section 207.044 of the Texas Unemployment Compensation Act.

Understanding your Decision

If you receive a decision that says, "we cannot pay you benefits," it means there is a problem with your claim EVEN IF you have received other decisions for the same period that say, "we can pay you benefits." If even one decision for the same period says we cannot pay, you will not receive an unemployment payment for that period.

To resolve issues on decisions you receive:

1. Follow instructions on the notice(s); call the Tele-Center if you have questions;
2. If the instructions tell you to "Report," call the Tele-Center at once;
3. If you disagree with a decision, file an appeal. Appeal each decision separately by the appeal deadline. If you fax your appeal, keep a confirmation sheet.

Your employer can appeal TWC's decision to pay benefits. TWC will notify you of any appeal hearing. If you do not participate, you may lose your benefits and have to repay benefits you received.

Determination of Potential Chargeback for the Employer

We will charge your former employer's account if we pay you benefits.

If You Disagree with this Decision

If you disagree with this decision, you may appeal. Fax or have any appeal you may file postmarked on or before 05-25-10.

TWC will use the date we receive the fax to determine whether your appeal is timely. If you file your appeal by fax, you should retain your fax confirmation as proof of transmission. Please include a copy of this notice with Appeals correspondence. The Appeal must be in writing to this address:


Appeal Tribunal
Texas Workforce Commission
101 E. 15th Street
Austin, TX 78778-0002
FAX (512) 475-1135

Please see reverse for how to file an appeal.

BD300E 02/27/2007

Case No.:	3
Claim ID.:	03-28-10
Claim Date:	03-28-10
FOR HEARING IMPAIRED CLIENTS	
Relay Texas TDD No.:	1-800-735-2989
Voice No.:	1-800-735-2988

COMPLAINT EXHIBIT "D"

 ECFMG® EDUCATIONAL COMMISSION FOR FOREIGN MEDICAL GRADUATES POLICY AND PROCEDURES MANUAL	SUBJECT: BEREAVEMENT/FUNERAL LEAVE		POLICY NO: HR-105
	DEPARTMENT: HUMAN RESOURCES		
	DISTRIBUTION: ALL DEPARTMENTS		
	EFFECTIVE DATE: 05/07/01, 08/15/05	Page 1 of 2	

I. POLICY

It is the policy of ECFMG to provide employees with paid time off to attend the funeral and/or to attend to the personal responsibilities associated with the death of an immediate family member or a close relative.

II. DEFINITIONS

- A. Immediate family members for purposes of this policy will be defined as parent, spouse, domestic partner, child, sibling, grandparent, grandchild, parent-in-law, sibling-in-law, step-parent, step-child, step-sibling, and/or "adopted", "foster", "legal guardian".
- B. Relatives for purposes of this policy will be defined as aunt, uncle, niece, nephew, cousin, grandparent-in-law, or other personal relationship existing by virtue of blood or marriage.

III. ELIGIBILITY

This policy applies to all full time employees.

IV. PROCEDURES

- A. In cases of the death of an "immediate family member", an employee is eligible for up to five regularly scheduled work-days off with pay as bereavement/funeral leave. The leave must take place within a reasonable time of the date of death or day of the funeral and may not be split or postponed.
- B. In cases of the death of a "relative", one day off with pay may be granted to attend the funeral and two additional days off with pay may be granted if out of town travel or other extenuating circumstances exist.
- C. In cases of the death of an ECFMG employee or a member of an employee's immediate family, other employees may attend the viewing or funeral and will be paid for any regular scheduled work time that coincides with that viewing/funeral.
- D. As soon as they become aware of the need, an employee must request bereavement/funeral leave from their supervisor/manager. The supervisor/manager reserves the right to require an employee to produce verification of the death and/or the relationship.
- E. Failure to notify the supervisor/manager or to produce the requested verification may result in loss of pay and/or corrective action, up to and including termination of employment.
- F. If additional time is needed, the employee may request use of vacation time, personal time, or unpaid time. Additional time will be granted at the discretion of the supervisor/manager.

POLICY: BEREAVEMENT/FUNERAL LEAVE

Page 2 of 2

- G. The employee will be compensated at his or her regular base rate of pay in accordance with the authorized hours for the day(s), which are taken as bereavement/funeral time.
- H. An employee on an unpaid leave of absence is not eligible for bereavement/funeral leave.
- I. Exceptions to this policy may be made at the discretion of the appropriate Vice President.

Responsibility for Policy: Policy Coordinator

Approved by Senior Staff on 08/23/05
Date

Approved by Betty T. LeHew, Director of Human Resources
Date

Approved by Emmanuel G. Cassimatis, M.D., President
Date

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

☐ FEPA
☒ EEOC

460-2010-02138

Texas Workforce Commission Civil Rights Division

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Ms. Kamecheal D. McKeever

Home Phone (Incl. Area Code)

(832) 439-2952

Date of Birth

01-27-1979

Street Address

8614 Saint Lo,

City, State and ZIP Code

Houston, TX. 77033**COMPLAINT
EXHIBIT "E"**

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

EDUCATIONAL COMMISSION FOR FOREIGN MEDICAL GRADUATES

No. Employees, Members

500 or More

Phone No. (Include Area Code)

Street Address

400 N. Sam Houston Pkwy, Ste 700,

City, State and ZIP Code

Houston, TX. 77060

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☒ RACE ☐ COLOR ☒ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☒ RETALIATION ☐ AGE ☐ DISABILITY ☐ GENETIC INFORMATION
☐ OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

05-01-2009**04-01-2010**☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)).

I was employed as a SP Trainer, until I was discharged from my job on April 1, 2010. While I was employed, I was subjected to a hostile work environment. Around May 2010, I complained to Manager Ms. Artis Ellis (Black female), about a SP Trainer Mr. David Strom (white male) on behalf of Black and Hispanic females. Ms. Ellis spoke to two, female SP Trainers. Afterwards, there was a change in behavior, for Ms. Ellis would tend to forget about important things. Around November 2009, I had a car accident on my off day, and Ms. Ellis held that against me in my evaluation. On March 19, 2010, my grandfather passed away. I was told to provide documentation concerning the death. No one else was has ever been instructed to do the same. The funeral director told me that Assistant Manager Mr. Brent Biggs (white male) called the funeral home asking for the information. Ms. Ellis claimed to know nothing about it. When I returned from my bereavement, on March 29, 2010, I asked Mr. Biggs to give me the documentation that the funeral home sent to the company. Mr. Biggs was very hostile and claimed that someone else had the information. On March 30, 2010, I complained to Ms. Ellis about Mr. Biggs' behavior. Mr. Biggs denied his behavior towards me on that same day.

On April 1, 2010, Ms. Ellis called me into the office. Mr. Biggs was there. When Ms. Ellis started to explain, Mr. Biggs rudely interrupted and told me, "you need to learn who you are talking to". I asked if I was discharged from my job and Mr. Biggs said I was discharged. On March 30, 2010, my job was posted on the internet.

I believe that I was discriminated against, because of my race (Black), my sex (female), and retaliation against, in violation of Title VII of the Civil Rights Act of 1964, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

APRIL 5, 2010**Apr 05, 2010**

Date

Charging Party Signature

